

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

FILED BY sf D.C.  
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THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W.D. OF TN, JACKSON

LAFAYETTE MILLER,

Plaintiff,

VS.

No. 03-1168-T/An

DONAL CAMPBELL, ET AL.,

Defendants.

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ORDER OF DISMISSAL

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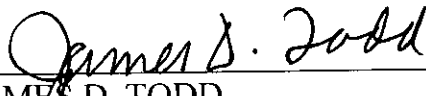
Plaintiff Lafayette Miller, Tennessee Department of Correction ("TDOC") prisoner number 299582, who was, at the time he commenced this action, an inmate at the Riverbend Maximum Security Institution in Nashville, Tennessee, filed a *pro se* complaint pursuant to 42 U.S.C. § 1983 in the United States District Court for the Middle District of Tennessee on June 12, 2003 in connection with his previous confinement at the Northwest Correctional Complex ("NWCX") in Tiptonville, Tennessee. On June 12, 2003, District Judge William J. Haynes, Jr. issued an order assessing the civil filing fee and transferring the case to this district, where the NWCX is located. The case was docketed in this district on July 7, 2003.

On February 9, 2004, the Clerk docketed a letter from the plaintiff seeking to ascertain the status of the case. The Court issued an order on February 9, 2004 denying the motion as unnecessary. On February 17, 2004, the plaintiff's copy of the order was returned

by the post office as undeliverable with a notation that the plaintiff had been released. According to the TDOC website, the plaintiff's sentence expired on February 8, 2004. More than a year has elapsed since the plaintiff's release, and he has not provided the Clerk with a forwarding address.

At this time, the Court has no means of ascertaining the plaintiff's whereabouts and, therefore, cannot ask him whether he intends to continue prosecuting this lawsuit. The most basic responsibility of a litigant is to advise the Court of his current address. In light of the time that has elapsed since the plaintiff's release, and the lack of any communication from the plaintiff, the Court DISMISSES this action without prejudice, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute.

IT IS SO ORDERED this 2<sup>nd</sup> day of August, 2005.

  
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JAMES D. TODD  
UNITED STATES DISTRICT JUDGE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 8 in case 1:03-CV-01168 was distributed by fax, mail, or direct printing on August 3, 2005 to the parties listed.

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Lafayette Miller  
RMSI-NASHVILLE  
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7475 Cockrill Bend Industrial Rd.  
Nashville, TN 37209--104

Honorable James Todd  
US DISTRICT COURT